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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al.,
Plaintiffs,
v.
FACEBOOK, INC., a Delaware corporation,
Defendant.

Case No. 5:20-cv-08570-LHK

**DEFENDANT FACEBOOK, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE REPLY TO
PLAINTIFFS' RESPONSES TO
FACEBOOK'S ADMINISTRATIVE
MOTION FOR CLARIFICATION
OF ORDERS CONSOLIDATING
LOVELAND AND ROSENMAN
WITH KLEIN**

Judge: Hon. Lucy H. Koh

Pursuant to Civil L.R. 7-11(a), Defendant Facebook, Inc. respectfully moves for leave to file the attached Reply to Consumer Plaintiffs' Response to Defendant Facebook, Inc.'s Administrative Motion for Clarification of Orders Consolidating *Loveland* and *Rosenman* with *Klein* (Dkt. 193) and *Loveland* Plaintiffs' Response to Defendant Facebook, Inc.'s Administrative Motion for Clarification of Orders Consolidating *Loveland* and *Rosenman* with *Klein* (Dkt. 194). Civil L.R. 7-11 does not contemplate the filing of a reply in connection with an Administrative Motion. *See* Civil L.R. 7-11(c). However, despite numerous emails between the parties about the issues raised in Facebook's Administrative Motion for Clarification, Facebook learned of plaintiffs' proposed relief for the first time only when reading plaintiffs' response. *See* Declaration of David Z. Gringer ¶ 2. A reply brief is proper when a party makes new arguments in a response to a motion. *See, e.g., Illumina Inc. v. BGI Genomics Co., Ltd.*, 2021 WL 2662074, at *2-3 (N.D. Cal. June 29, 2021). Accordingly, Facebook respectfully requests leave to file the attached Reply to address plaintiffs' proposal. Counsel for Facebook requested a stipulation from plaintiffs' counsel to the relief sought herein, but counsel for Users and counsel for the *Loveland* plaintiffs did not agree to the stipulation, and counsel for *Rosenman* did not respond. *See* Declaration of David Z. Gringer ¶ 3.

Dated: November 18, 2021

Respectfully submitted,

By: /s/ David Z. Gringer
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System.

/s/ David Z. Gringer
David Z. Gringer